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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ERIN DEAN RIEMAN,

11 Petitioner,

12 v.

13 MARGARET GILBERT,

14 Respondent.

CASE NO. 3:16-CV-05250-RBL-JRC

ORDER RE: EVIDENTIARY
HEARING

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16 The District Court has referred this petition for a writ of habeas corpus to United States
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §
18 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the
19 petition pursuant to 28 U.S.C. § 2254.

20 The Court originally ordered that an evidentiary hearing be held on March 8, 2018. Dkt.
21 50. However, respondent filed an objection and an appeal to that order, which was referred to the
22 Honorable Ronald B. Leighton. Dkt. 51. While that objection was pending before Judge
23 Leighton, the Court held a telephone conference with the parties, ultimately determining that the
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1 hearing date and several motions pertaining to the evidentiary hearing would be stricken pending
2 Judge Leighton's determination. Dkt. 63. Judge Leighton ultimately denied respondent's
3 objections, allowing the Court to proceed with the evidentiary hearing. Dkt. 64.

4 Therefore, it is ORDERED:

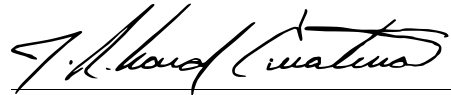
- 5 1) An evidentiary hearing is re-scheduled for **April 5, 2018 at 9:00 a.m.** The parties are
6 directed to appear at Courtroom D of the United States District Court at Tacoma,
7 1717 Pacific Avenue, Tacoma, WA 98402, at that time. The Court anticipates the
8 hearing to take approximately 3 hours. The parties are directed to notify the Court if
9 they believe more time will be necessary.
- 10 2) If this date does not work for a party, the parties must confer and propose an
11 alternative date. The parties must then notify the Court by contacting the
12 undersigned's judicial assistant, Sandy Huntington, at
13 sandy_huntington@wawd.uscourts.gov or by telephone at 253-882-3780.
- 14 3) The parties shall arrange for petitioner's presence.
- 15 4) At the evidentiary hearing, the Court will only entertain evidence pertaining to
16 petitioner's claim that his *Alford* plea was coerced and therefore involuntary.¹
- 17 5) The parties shall submit briefs and exhibits no later than **March 30, 2018**. The briefs
18 should address the legal issue before the Court and list the witnesses the parties will
19 call.
- 20 6) The parties shall number all exhibits sought to be admitted and deliver a copy to
21 chambers no later than **March 30, 2018**. Before the hearing, the parties shall confer
22 on the admissibility of exhibits and other evidence and inform the Court which

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24 ¹ The Court will rule on petitioner's motion to allow affidavits (Dkt. 52) and motion to expand record (Dkt. 53) in a separate order.

exhibits are objected to, as well as the basis for the objection. If a party will refer to portions of the record that require transcription, such as the plea or sentencing hearings, those portions should be obtained and submitted.

- 7) The Clerk is directed to provide a copy of this order to the parties and to the Honorable Ronald B. Leighton.

Dated this 6th day of March, 2018.



J. Richard Creatura
United States Magistrate Judge